



OFFICE OF THE CITY CLERK

REPORT

TO THE HONORABLE MAYOR AND CITY COUNCIL

DATE: May 12, 2005

REPORT NO.: 05-01(Rev.)

SUBJECT: DOCKETING OF "SAN DIEGANS FOR THE MOUNT SOLEDAD NATIONAL WAR MEMORIAL" REFERENDARY PETITION

On April 7, 2005, San Diegans for the Mt. Soledad National War Memorial filed with my office a referendary petition to repeal Resolution Number R-300207, which declined to accept the offer of the United States government to accept transfer of title to the Mt. Soledad Memorial property. The petition was filed within the prescribed time period of 30 days following final adoption of the resolution by the Council.

On April 19, 2005, the Registrar of Voters completed the petition signatures verification and provided us formal certification of the results. The petition was found to contain the valid signatures of over five percent of the City's registered voters as required by the Charter to qualify the legislative act for repeal by the City Council or for direct submission to the electorate (see attached City Clerk Certificate).

Action by Council for a referendary petition is set forth in Municipal Code Section 27.1131. It states in part that if the petition is presented to the City Council by the City Clerk, the City Council must within ten business days reconsider the legislative act in question. Further, Municipal Code Section 27.1132 provides that if the City Council refuses to grant the referendary petition to repeal the legislative act, or fails to reconsider the act within the prescribed time frame, the Council shall adopt a resolution of intention to submit the matter to the voters at a special election and direct the City Attorney to prepare an ordinance calling a special election placing the matter on the ballot.

The timing of an election is discussed in Municipal Code Section 27.1133. It specifies that the special election must be held within eleven months of the adoption of the resolution to submit the matter to the voters. It also provides that the special election may be consolidated with any other City-wide election scheduled to be held within eleven months.

Therefore, should the Council wish to submit the matter to the voters, the issue could **not** be placed on the ballot of the City's municipal primary election scheduled for June 6, 2006, which is not within the eleven-month timeframe allowed by the Municipal Code. Instead, a special election would be required. Based on recent estimates from the Registrar of Voters, we anticipate that the cost of such a special election to be in excess of two million dollars.

Honorable Mayor and City Council
April 20, 2005
page 2

Subsequent to the time our original report was written, the City Council called a special city-wide election to fill the vacancy in the Office of the Mayor. The City Council may choose to submit a ballot measure to the voters at that election. Action by the council to call a special election for any ballot measure could be taken on May 17. If a measure is placed on the ballot, written arguments would be due to the City Clerk by 12:00 p.m. (noon) on Friday, May 27, 2005, in accordance with Municipal Code Section 27.0511. This would allow time for the 10-day public review period before printing the ballots, mandated by Municipal Code Section 27.0402. There is also the option to place a ballot measure on a city-wide run-off election later this year. The cost to add a ballot measure to either the July 26 election or a run-off election later this year would depend on the length of the proposal. The cost to add a measure, however, would be incremental since these costs would be limited to translation services and printing costs of ballot materials.

In summary, when the petition is presented to Council, the Council may take any of three actions:

1. Grant the petition to repeal the legislative act in question; or
2. Reject the petition to repeal the legislative act and direct the City Attorney to prepare an ordinance calling an election to place the matter on the ballot. In no event shall the election be held later than eleven months from the date the Council adopts the resolution to submit the matter to the voters; or
3. Take no action, in which case the Council has ten business days from the date the petition is presented to Council to repeal the legislative act; after that date, the Council must adopt a resolution of its intent to submit the matter to the voters.

Sincerely,

Charles G. Abdelnour
City Clerk

CGA:JL

Attachment (City Clerk's Certificate)

cc: City Attorney
City Manager